

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE**

**CHAPTER 1360-1-1
NOTICE OF RULEMAKING**

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1360-1-1-.01 NOTICE TO SECRETARY OF STATE.

- (1) Whenever an agency is required by law to hold a public hearing as part of its rulemaking process and is required to transmit a notice of such rulemaking hearing to the Secretary of State for publication in the *Tennessee Administrative Register*, that notice shall be set out in the form prescribed by this chapter.

Authority: T.C.A. §4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984.

1360-1-1-.02 PAPER SIZE AND MARGINS.

- (1) All notices of rulemaking hearings filed with the Department of State must be on white, medium bond paper, size eight and one-half inch by eleven inch (8½" x 11") with a one and one-half inch (1½") margin on the left-hand side of each page and a one inch (1") margin at the top and bottom and on the right-hand side of each page.

Authority: T.C.A. §4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984.

1360-1-1-.03 STYLE AND FORMAT.

- (1) A Notice of Rulemaking Hearing filed in the Department of State will require the following:
- (a) four (4) original documents with original signatures;
1. The following guidelines apply to the formatting of the document:
- (i) the documents must be clean and legible copy;
- (ii) use caps and lower case in all text. No "all caps";
- (iii) no bold, underline, or italic fonts.
- (b) a 3.5" diskette containing all language appearing in the document.
1. The file must be in a state accepted software program. (Example: Microsoft Word or WordPerfect). Any other word processing formats should be discussed with the Publications Division prior to filing.
2. The disk should be labeled to include the following information:
- (i) file name;

(Rule 1360-1-1-.03, continued)

- (ii) software program and version;
 - (iii) chapter and rule number;
 - (iv) name, address, and telephone number of technical contact who created the disk file.
- (2) Notices of rulemaking hearings presented for filing and of more than one page in length must have each page numbered in the upper right-hand corner in the following manner:
 - (a) page __ of __ pages.
- (3) Each notice of rulemaking hearing filed with the Department of State shall clearly show:
 - (a) a statement of the time and place at which the hearing is to be held;
 - (b) either the express terms or an informative summary of the proposed rule;
 - (c) insofar as practicable, a reference to the statutory authority pursuant to which the agency proposes to adopt the rule; and
 - (d) any additional matter which may be prescribed by statutes applicable to the specific rule or class of rules under consideration.
 - (e) a statement complying with Federal ADA guidelines;
 - 1. Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the (department or agency) to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the (department or agency) to determine how it may reasonably provide such aid or service. Initial contact may be made with the (department's or agency's) ADA Coordinator at (address) and (telephone number).
 - (f) the name, address, and telephone number of the agency contact responsible for copies of the notice of rulemaking hearing by interested parties. The statement shall read as follows:
 - 1. "For a copy of the entire text of this notice of rulemaking hearing contact: (name), (address), (agency), and (telephone number)."
 - (g) The name, address and telephone number of a contact person and technical contact who could answer any questions concerning the notice being filed. This information shall be placed after the body of the notice and before the signatures.
- (4) All notices of rulemaking hearings filed with the Department of State shall be certified.
- (5) All notices of rulemaking hearings must be filed in the following format:

Page __ of __ pages

Notice of Rulemaking Hearing
(Agency Name)
(Division Name)

(Rule 1360-1-1-.03, continued)

There will be a hearing before the (department or agency) to consider the promulgation of (rules, amendments of rules, or repeals of rules) pursuant to (proper statutory authority). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in (room designation) of the (building designation) located at (street, city, and state) at (time, including a reference to the particular time zone) on the ____ day of _____, 19 ____.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the (department or agency) to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the (department or agency) to determine how it may reasonably provide such aid or service. Initial contact may be made with the (department's or agency's) ADA Coordinator at (address) and (telephone number).

For a copy of this notice of rulemaking hearing, contact: (name), (address), (agency), and (telephone number).

Substance of Proposed Rules

(Hereafter will follow the substance of the proposed rules, in which case the forms for filing New rules or amendments in chapter 1360-1-2 of these rules shall be used without the portion of those forms relating to signatures and certifications.)

Authority: (Rulemaking and Substantive) (Citation to T.C.A. or proper Public Chapter);

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the (Department or Agency).

(Signature)
(Name of Officer)
(Title of Officer)

Subscribed and sworn to before me this the ____ day of _____, 19 ____.

(Signature)
Notary Public

My commission expires on the ____ day of _____, 19 ____.

Page ____ of ____ pages

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 19 ____.

(Signature)

(Rule 1360-1-1-.03, continued)

(Name of Secretary of State)
Secretary of State

By: _____ (Signature)

Authority: T.C.A. §§ 4-5-203, 4-5-206, 23 C.F.R., part 35, 42 U.S.C. § 1201 et seq. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed April 16, 1990; effective July 29, 1990. Amendment filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998.

1360-1-1-.04 ADDITIONAL REQUIREMENTS.

- (1) When a notice of rulemaking hearing exceeds twenty-five (25) pages, an informative summary, not to exceed four (4) pages, must be filed with the rule. This summary will be reproduced in the *Tennessee Administrative Register*. Rule 1360-1-1-.03 (6) shall apply to the summary.

Authority: T.C.A. §4-5-206, 4-5-220, and 4-5-221. **Administrative History:** Original rule filed June 12, 1995; effective October 27, 1995.

1360-1-1-.05 RESERVATION OF RIGHT OF WAIVER.

- (1) The Secretary of State reserves the right to waive any of the requirements for filing set out herein and not required by statute. Such waiver will be evidenced by acceptance of notices of rulemaking hearings for filing and inscribing thereon the usual signature, dates, and so on.

Authority: T.C.A. §4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment renumbering rule (formerly 1360-1-1-.04) filed June 12, 1995; effective October 27, 1995.